

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2481**

---

**Introduced by Assembly Member Evans**

February 23, 2006

---

An act to *amend Section 11461 of, and to add Chapter 1.5 (commencing with Section 16030) to Part 4 of Division 9 of, and to repeal and add Section 11461 of, the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2481, as amended, Evans. Foster care.

Existing law provides for Aid to Families with Dependent Children Foster Care (AFDC-FC) for children who have been removed from their homes in certain instances, and establishes the rate of foster care provider payments with respect to children placed in a licensed or approved family home with a capacity of 6 or less or in an approved home of a relative or nonrelative legal guardian. Existing law provides for the adjustment of those rates at specified times.

~~Existing law also provides for a clothing allowance in addition to the basic rate, and provides for the annual adjustment of that allowance, and specifies that commencing with the 2000–01 fiscal year, each child shall be entitled to a clothing allowance of \$100 per year, subject to the availability of funds.~~

*Existing law requires the schedule of basic AFDC-FC rates to be adjusted by the percentage changes in the California Necessities Index, computed pursuant to a specified methodology, and subject to the availability of funds. In addition, existing law required, effective*

*January 1, 2000, the basic rate to be increased by 2.36%, rounded to the nearest dollar.*

*Existing law requires, except with respect to a specified fiscal year, that counties that receive state participation for a basic rate in excess of the existing basic rate schedule shall receive an annual increase in state participation of one-half of the percentage changes specified above, rather than the entire amount, until the difference between the county's adjusted state participation level and the adjusted schedule of basic rates is eliminated.*

~~This bill notwithstanding existing law, would increase the per child rates in effect on December 31, 2006, by 5% on January 1, 2007, and would additionally provide for an increase in the schedule of basic rates and certain special payments for the 2007-08, 2008-09, 2009-10, and 2010-11 fiscal years by 5% effective January 1, 2007, and by the percentage changes in the California Necessities Index, computed pursuant to the methodology specified under existing law for the 2007-08, 2008-09, 2009-10, and 2010-11 fiscal years. The bill would require all counties to receive increased state participation for the basic rate of the entire percentage adjustment, described in the bill, notwithstanding existing law. By requiring counties to comply with the rate adjustments, this bill would impose a state-mandated local program.~~

Existing law continuously appropriates funds for allocation to each county for the adequate care of children of each child eligible to receive AFDC-FC foster care. By requiring the adjustment in the amount of money allocated under the AFDC-FC program, *and increasing the required level of state participation*, this bill would result in an appropriation.

This bill would also require the State Department of Social Services to administer the Foster *and Adoptive* Parent Recruitment and Retention Program, created by this bill, establishes procedures for counties to elect to participate in the program, and would make funding of the program subject to appropriation in the annual Budget Act or another act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 11461 of the Welfare and Institutions*  
2     *Code is amended to read:*

3     11461. (a) For children placed in a licensed or approved  
4     family home with a capacity of six or less, or in an approved  
5     home of a relative or nonrelated legal guardian, or the approved  
6     home of a nonrelative extended family member as described in  
7     Section 362.7, the per child per month rates in the following  
8     schedule shall be in effect for the period July 1, 1989, through  
9     December 31, 1989:

Age	Basic rate
0-4.....	\$ 294
5-8.....	319
9-11.....	340
12-14.....	378
15-20.....	412

17  
18     (b) (1) Any county that, as of October 1, 1989, has in effect a  
19     basic rate that is at the levels set forth in the schedule in  
20     subdivision (a), shall continue to receive state participation, as  
21     specified in subdivision (c) of Section 15200, at these levels.

22     (2) Any county that, as of October 1, 1989, has in effect a  
23     basic rate that exceeds a level set forth in the schedule in  
24     subdivision (a), shall continue to receive the same level of state  
25     participation as it received on October 1, 1989.

26     (c) The amounts in the schedule of basic rates in subdivision  
27     (a) shall be adjusted as follows:

28     (1) Effective January 1, 1990, the amounts in the schedule of  
29     basic rates in subdivision (a) shall be increased by 12 percent.

30     (2) Effective May 1, 1990, any county that did not increase the  
31     basic rate by 12 percent on January 1, 1990, shall do both of the  
32     following:

1 (A) Increase the basic rate in effect December 31, 1989, for  
2 which state participation is received by 12 percent.

3 (B) Increase the basic rate, as adjusted pursuant to  
4 subparagraph (A) by an additional 5 percent.

5 (3) (A) Except as provided in subparagraph (B), effective July  
6 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule  
7 of basic rates in subdivision (a) shall be increased by an  
8 additional 5 percent.

9 (B) The rate increase required by subparagraph (A) shall not  
10 be applied to rates increased May 1, 1990, pursuant to paragraph  
11 (2).

12 (4) Effective July 1, 1998, the amounts in the schedule of  
13 basic rates in subdivision (a) shall be increased by 6 percent.  
14 Notwithstanding any other provision of law, the 6-percent  
15 increase provided for in this paragraph shall, retroactive to July  
16 1, 1998, apply to every county, including any county to which  
17 paragraph (2) of subdivision (b) applies, and shall apply to foster  
18 care for every age group.

19 (5) Notwithstanding any other provision of law, any increase  
20 that takes effect after July 1, 1998, shall apply to every county,  
21 including any county to which paragraph (2) of subdivision (b)  
22 applies, and shall apply to foster care for every age group.

23 (6) The increase in the basic foster family home rate shall  
24 apply only to children placed in a licensed foster family home  
25 receiving the basic rate or in an approved home of a relative or  
26 nonrelative extended family member, as described in Section  
27 362.7 or nonrelated legal guardian receiving the basic rate. The  
28 increased rate shall not be used to compute the monthly amount  
29 that may be paid to licensed foster family agencies for the  
30 placement of children in certified foster homes.

31 (d) (1) (A) Beginning with the 1991–92 fiscal year, the  
32 schedule of basic rates in subdivision (a) shall be adjusted by the  
33 percentage changes in the California Necessities Index,  
34 computed pursuant to the methodology described in Section  
35 11453, subject to the availability of funds.

36 (B) In addition to the adjustment in subparagraph (A) effective  
37 January 1, 2000, the schedule of basic rates in subdivision (a)  
38 shall be increased by 2.36 percent rounded to the nearest dollar.

39 (C) *Notwithstanding any other provision of law, in addition to*  
40 *the adjustments in subparagraphs (A) and (B), effective January*

1 *1, 2007, the schedule of basic rates in subdivision (a) shall be*  
2 *increased by 5 percent, rounded to the nearest dollar.*

3 *(D) Notwithstanding any other provision of law, in the*  
4 *2007–08, 2008–09, 2009–10, and 2010–11 fiscal years, the*  
5 *schedule of basic rates in subdivision (a), as adjusted pursuant to*  
6 *subdivisions (b) and (c), and subparagraphs (A), (B), and (C),*  
7 *shall be adjusted annually by the percentage changes in the*  
8 *California Necessities Index, computed pursuant to the*  
9 *methodology described in Section 11453.*

10 (2) (A) Any county that, as of the 1991–92 fiscal year,  
11 receives state participation for a basic rate that exceeds the  
12 amount set forth in the schedule of basic rates in subdivision (a)  
13 shall receive an increase each year in state participation for that  
14 basic rate of one-half of the percentage adjustments specified in  
15 paragraph (1) until the difference between the county’s adjusted  
16 state participation level for its basic rate and the adjusted  
17 schedule of basic rates is eliminated.

18 (B) Notwithstanding subparagraph (A), all counties for the  
19 1999–2000 fiscal year shall receive an increase in state  
20 participation for the basic rate of the entire percentage adjustment  
21 described in paragraph (1).

22 (C) Notwithstanding subparagraph (A), all counties shall  
23 receive an increase in state participation for the basic rate of the  
24 entire percentage adjustments described in subparagraphs (C)  
25 and (D) of paragraph (1).

26 (3) If a county has, after receiving the adjustments specified in  
27 paragraph (2), a state participation level for a basic rate that is  
28 below the amount set forth in the adjusted schedule of basic rates  
29 for that fiscal year, the state participation level for that rate shall  
30 be further increased to the amount specified in the adjusted  
31 schedule of basic rates.

32 (e) (1) As used in this section, “specialized care increment”  
33 means an approved amount paid with state participation on  
34 behalf of an AFDC-FC child requiring specialized care to a home  
35 listed in subdivision (a) in addition to the basic rate. On the  
36 effective date of this section, the department shall continue and  
37 maintain the current ratesetting system for specialized care.

38 (2) Any county that, as of the effective date of this section, has  
39 in effect specialized care increments that have been approved by

1 the department, shall continue to receive state participation for  
2 those payments.

3 (3) Any county that, as of the effective date of this section, has  
4 in effect specialized care increments that exceed the amounts that  
5 have been approved by the department, shall continue to receive  
6 the same level of state participation as it received on the effective  
7 date of this section.

8 (4) (A) Except for subparagraph (B), beginning January 1,  
9 1990, specialized care increments shall be adjusted in accordance  
10 with the methodology for the schedule of basic rates described in  
11 subdivision (c) and (d). No county shall receive state  
12 participation for any increases in a specialized care increment  
13 which exceeds the adjustments made in accordance with this  
14 methodology.

15 (B) Notwithstanding subdivision (e) of Section 11460, for the  
16 1993–94 fiscal year, an amount equal to 5 percent of the State  
17 Treasury appropriation for family homes shall be added to the  
18 total augmentation for the AFDC-FC program in order to provide  
19 incentives and assistance to counties in the area of specialized  
20 care. This appropriation shall be used, but not limited to,  
21 encouraging counties to implement or expand specialized care  
22 payment systems, to recruit and train foster parents for the  
23 placement of children with specialized care needs, and to develop  
24 county systems to encourage the placement of children in family  
25 homes. It is the intent of the Legislature that in the use of these  
26 funds, federal financial participation shall be claimed whenever  
27 possible.

28 (f) (1) As used in this section, “clothing allowance” means the  
29 amount paid with state participation in addition to the basic rate  
30 for the provision of additional clothing for an AFDC-FC child,  
31 including, but not limited to, an initial supply of clothing and  
32 school or other uniforms.

33 (2) Any county that, as of the effective date of this section, has  
34 in effect clothing allowances, shall continue to receive the same  
35 level as it received on the effective date of this section.

36 (3) Beginning January 1, 1990, except as provided in  
37 paragraph (4), clothing allowances shall be adjusted annually in  
38 accordance with the methodology for the schedule of basic rates  
39 described in subdivision (c) and (d). No county shall be  
40 reimbursed for any increases in clothing allowances which

exceed the adjustments made in accordance with this methodology.

(4) For the 2000–01 fiscal year and each fiscal year thereafter, without a county share of cost, notwithstanding subdivision (c) of Section 15200, each child shall be entitled to receive a supplemental clothing allowance of one hundred dollars (\$100) per year subject to the availability of funds. The clothing allowance shall be used to supplement, and not supplant, the clothing allowance specified in paragraph (1).

~~SECTION 1. Section 11461 of the Welfare and Institutions Code is repealed.~~

~~SEC. 2. Section 11461 is added to the Welfare and Institutions Code, to read:~~

~~11461. (a) For children placed in a licensed or approved family home with a capacity of six or less or in an approved home of a relative or nonrelated legal guardian, the per child per month rates in the following schedule shall be in effect for the period January 1, 2002, to June 30, 2002, inclusive:~~

<del>Age</del>	<del>Basic rate</del>
<del>0–4.....</del>	<del>\$ 425</del>
<del>5–8.....</del>	<del>463</del>
<del>9–11.....</del>	<del>495</del>
<del>12–14.....</del>	<del>547</del>
<del>15–20.....</del>	<del>597</del>

~~(b) The schedule of basic rates set forth in subdivision (a) in effect on December 31, 2006 shall be increased by 5 percent on January 1, 2007.~~

~~(c) (1) In the 2007–08, 2008–09, 2009–10, and 2010–11 fiscal years, the schedule of basic rates in subdivision (a) as adjusted pursuant to subdivision (b), and other special payments specified in subdivisions (d) and (e) shall be adjusted annually by the percentage changes in the California Necessities Index, computed pursuant to the methodology described in Section 11453.~~

~~(d) (1) As used in this section, “specialized care increment” means an approved amount paid with state participation on behalf of an AFDC-FC child requiring specialized care to a home listed in subdivision (a) in addition to the basic rate. On January~~

1 1, 2007, the department shall continue and maintain the then  
2 current ratesetting system for specialized care.

3 (2) Any county that, as of January 1, 2007, has in effect  
4 specialized care increments that have been approved by the  
5 department, shall continue to receive state participation for those  
6 payments.

7 (3) Beginning January 1, 2007, specialized care increments  
8 shall be adjusted in accordance with the methodology for the  
9 schedule of basic rates described in subdivision (e). No county  
10 shall receive state participation for any increases in a specialized  
11 care increment that exceeds the adjustments made in accordance  
12 with this methodology.

13 (e) (1) As used in this section, "clothing allowance" means  
14 the amount paid with state participation in addition to the basic  
15 rate for the provision of additional clothing for an AFDC-FC  
16 child, including, but not limited to, an initial supply of clothing  
17 and school or other uniforms.

18 (2) Any county that, as of January 1, 2007, has in effect  
19 clothing allowances, shall continue to receive the same level as it  
20 received on December 31, 2006.

21 (3) Beginning January 1, 2007, clothing allowances shall be  
22 adjusted annually in accordance with the methodology for the  
23 schedule of basic rates described in subdivision (e). No county  
24 shall be reimbursed for any increases in clothing allowances that  
25 exceed the adjustments made in accordance with this  
26 methodology.

27 (f) The adjustment authorized by subdivision (e) shall also be  
28 applied for the adjustment of Adoption Assistance Program  
29 payment levels or a successor payment program from their base  
30 levels in effect on July 1, 2006. Annual adjustments pursuant to  
31 subdivision (e) shall not adversely affect base rate increases in  
32 Adoption Assistance Program payment level rates.

33 SEC. 3.

34 SEC. 2. Chapter 1.5 (commencing with Section 16030) is  
35 added to Part 4 of Division 9 of the Welfare and Institutions  
36 Code, to read:



1 CHAPTER 1.5. FOSTER *AND ADOPTIVE* PARENT RECRUITMENT  
2 AND RETENTION PROGRAM  
3

4 16030. (a) The Legislature finds and declares that there is an  
5 urgent need to recruit and retain licensed foster family homes,  
6 *relative caregivers, and adoptive parents*, to provide children  
7 placed in out-of-home placements, in the least restrictive and the  
8 most familylike setting possible.

9 (b) It is the intent of the Legislature to assist counties in the  
10 recruitment and retention of these placements by creating the  
11 Foster *and Adoptive* Parent Recruitment and Retention Program.

12 16031. There is hereby established the Foster *and Adoptive*  
13 Parent Recruitment and Retention Program.

14 16032. The State Department of Social Services shall  
15 administer, in consultation with the County Welfare Directors  
16 Association, the Foster *and Adoptive* Parent Recruitment and  
17 Retention Program.

18 16033. (a) Recruitment and retention activities allowed under  
19 the program shall include, but not be limited to:

20 (1) Supplemental payments to foster family homes *and*  
21 *relative caregivers* that care for sibling groups.

22 (2) Respite care.

23 (3) Advertising and media marketing recruitment campaigns.

24 (4) First- and third-party liability insurance to cover property  
25 damage.

26 (5) The use of county-based foster parent *and relative*  
27 *caregiver* advocates to support and work on behalf of foster  
28 parents *and relative caregivers*.

29 (6) The use of foster parents, *relative caregivers, and adoptive*  
30 *parents* as recruiters, and additional support for those foster  
31 parents, *relative caregivers, and adoptive parents*.

32 (7) Additional retention supports, including one-time costs of  
33 purchasing items, including, but not limited to, beds and school  
34 uniforms.

35 (8) Other locally designed recruitment and retention activities,  
36 as appropriate.

37 (b) A county that elects to participate in the program shall  
38 submit an annual foster parent, *relative caregiver, and adoptive*  
39 *parent* recruitment and retention plan to the State Department of  
40 Social Services. Participating counties shall work with

1 organizations representing current and former foster youth, foster  
2 family homes, *relative caregivers, adoptive parents*, and other  
3 interested groups to create the plan.

4 (c) Participating counties shall submit annually, a  
5 self-assessment of the effectiveness of the local recruitment and  
6 retention activities by increasing the number of foster family,  
7 *relative, and adoptive* homes and increasing the retention of  
8 those homes.

9 (d) Annual funding allocations shall be determined by the  
10 department, in consultation with the County Welfare Directors  
11 Association.

12 (e) Funding for the Foster *and Adoptive* Parent Recruitment  
13 and Retention Program is subject to appropriation in the annual  
14 Budget Act or another statute. Funding for the program shall be  
15 provided without a county match requirement and may be used  
16 as a match to draw down federal funding resources, as  
17 appropriate.

18 ~~SEC. 4.~~

19 *SEC. 3.* If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.